



29 JUN 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Dykas, Shaver, & Nipper, LLP  
P.O. Box 877  
Boise, Idaho 83701-0877

In re Application of :  
McGUIRE, John :  
Application No.: 10/516,486 : DECISION ON PETITION  
PCT No.: PCT/GB03/01923 :  
Int. Filing Date: 02 May 2003 :  
Priority Date: 31 May 2002 :  
Attorney Docket No.: MCGJ101NUS :  
For: APPARATUS FOR HOLDING A  
CATHETER BAG

This decision is issued in response to applicant's "Petition under 37 CFR 1.181 and Statement in Support Thereof" filed 04 May 2006. No petition fee is required.

BACKGROUND

On 02 May 2003, applicants filed international application 02 May 2003 which claimed a priority date of 31 May 2002. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee was to expire on 01 December 2004.

On 30 November 2004, applicant filed a Transmittal Letter for entry into the national stage accompanied, *inter alia*, by: the requisite basic national fee; a copy of the international application; and a preliminary amendment.

On 09 May 2005, the United States Designated Office (DO/EO/US) mailed a Notification Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a signed oath/declaration of the inventors in compliance with 37 CFR 1.497(a) and (b) together with a surcharge payment were required. The notification set a two-month time limit in which to respond.

On 04 May 2006, applicant filed the present petition which was accompanied, among other things: a copy of the declaration(s) and power of attorney(s) and a post card receipt dated 18 May 2005.

DISCUSSION

Applicant states that a declaration/power of attorney was received at the United States Patent and Trademark Office on 18 May 2005. A review of the present application reveals that the declaration is not located therein. Section 503 of the Manual of Patent

Examining Procedure under the heading "RETURN POSTCARD" states, in part:

"A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO."

Here, applicant has provided a copy of their date-stamped filing receipt. The receipt identifies the application by applicant, title of invention, serial number, and attorney docket number. The receipt itemizes a declaration of the inventor. The receipt is stamped "Rec'd PCT/PTO 18 May 2005" across its face is sufficient to indicate that the above items were in fact received in the Office on 18 May 2005.

### CONCLUSION

Applicant's petition under 37 CFR 1.181 is **GRANTED**.

This application will be given an international filing date of 02 May 2003 and a date of **18 May 2005** under 35 U.S.C. 371.

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision.



Anthony Smith  
Attorney-Advisor  
Office of PCT Legal Administration  
Tel: (571) 272-3298  
Fax: (571) 273-0459